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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/713,484

11/14/2003

Marc Schlosser

SCHMPA103

9208

7590

06/01/2006

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EXAMINER

TON, ANABEL

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,484

Applicant(s)

SCHLOSSER, MARC

Examiner

Anabel M. Ton

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2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-28 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21,22,25-27,32 and 34-37 is/are rejected.
- 7) ☒ Claim(s) 23,24,28,33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "26" has been used to designate both backlight and inner side of the top cover. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 28 is objected to because of the following informalities: Claim 28 recites the top side of at least one cover panel being structured and disposed for placement of a sheet substrate, a light emitting source for directing light onto said sheet substrate; said light emitting device including a backlight device on said top side of said cover panel for directly light outwardly therefrom and through the sheet substrate placed thereon, the claim continues with an electronic calculator on said cover panel. As seen in figure 1, the only light source directing light *onto* the sheet substrate 24 is light source

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44, conflicting with what is recited in claim 1. The substrate in figure 1 is located on the bottom cover panel as well as is the backlight device 26, which conflicts with what is recited in claim 1. Light source 44, does not include backlight 26, both appear to be separate light sources as seen in figure 1. The calculator appears on the top side of the top cover panel (12), yet applicant recites both the backlight on the top of the cover panel and the calculator on the cover panel, which conflicts with what is shown in figure 1 since the backlit device is on the bottom cover panel (14). Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21,22,25-27,32,34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen (2004/0059689) and further in view of Gallani (5,471,347) and in further view of Dempsey et al (6,796,673).
3. Masden discloses the claimed invention except for the recitation of a magnifying sheet and a signaling device.
4. Masden discloses a check presentation system with a bill folder (102), a tip calculator (160) and a light source (150) on the topside of the cover panel that is backlit

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for projecting light outwardly and inside of the bill folder. Gallani discloses a lens magnification system for booklets such as restaurant menus for magnifying printed matter within the booklet (figs 7-8). Dempsey discloses a restaurant billfold with at least one signaling lamp for emitting a distinct light to alert when a bill is ready to be paid. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Gallani's lens magnification system in the device of Madsen since Madsen teaches of the advantages of having a magnification system in booklets particularly for magnifying printed matter that is difficult to read in low light settings. Such a modification to the device of Masden would be purposeful providing Masden with an additional practical feature that would aid a user in magnifying printed matter provided on a restaurant bill. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Masden in further view of Gallani with the signaling device of Dempsey to provide the device of Masden modified by Gallani with a signaling device that would provide a restaurant patron a means for alerting server that the bill is ready to be paid, as taught by Dempsey. Such a modification to the device of Masden in further view of Gallani would be purposeful for greatly enhancing the practicality and usefulness of a bill folder.

5. With regards to the light-emitting source directing light onto a sheet substrate, Masden is considered to satisfy this limitation since bill pocket 140 is considered to be a sheet substrate. Bill pockets such as the one taught by Masden are commonly made from transparent plastic as taught by Dempsey as well.

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6. With regards to the sheet substrate placed on the light source, such a modification would have been obvious to one of ordinary skill in the art since such a practice for the purpose of backlighting a sheet of printed matter is old and well known in the art (see cited prior art Lane).

- The transparent sheet of Gallani is movable in relation to an inner face of a bottom cover and a sheet with printed matter thereon.
- A plurality of signal lamps are structured and disposed to emit a steady light when actuated, the plurality of signaling lamps are structured and disposed to emit an intermittent flashing light when actuated, each of the plurality signaling lamps are individually actuated; the plurality of signaling lamps are of multiple colors (Dempsey, col. 2 lines 40-49, 64-67);

Allowable Subject Matter

7. Claims 23,24,33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claim 28 would be allowable if rewritten or amended to overcome the objections, set forth in this Office action. If applicant clarifies the location of the respective light sources with respect to the cover panels, claim 28 would be allowable.

Response to Arguments

9. Applicant's arguments filed 03/16/06 have been fully considered but they are not persuasive. Applicant argues that the light source of Madsen "is structured" to throw light directionally on the tip calculator, thus not intending to direct light onto the sheet

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substrate containing the patrons bill. The examiner disagrees for the following reasons:

To begin, Madsen discloses the light “preferably a light emitting diode (LED) that throws a light directionally on the tip calculator” applicant has phrased this limitation as Madsen being “structured “ to throw light directionally on the tip calculator, which would suggest that the light source of Madsen includes additional structure that is not simply a light source, preferably an LED. Although Madsen is intending the light source to direct light onto the calculator, since Madsen does not specifically state that the light emitted towards the calculator is total and complete with no leakage outwardly towards the rest of the bill folder, Madsen is considered to inherently illuminate the rest of the bill folder, albeit not directly, including the substrate as defined above. Furthermore, applicant does not positively recite that the light-emitting device illuminates the sheet substrate, but recites that the light-emitting device is “for” illuminating the substrate, which is a matter of the intended use of the light source. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case, the light source of Masden is considered to be capably of performing such an intended use, as recited above.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anabel M Ton
Examiner
Art Unit 2875

AMT



Sandra O'Shea
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